



**Linda S. Adams**  
*Secretary for  
Environmental Protection*

# California Environmental Protection Agency

Air Resources Board • Department of Pesticide Regulation • Department of Toxic Substances Control  
Integrated Waste Management Board • Office of Environmental Health Hazard Assessment  
State Water Resources Control Board • Regional Water Quality Control Boards



**Arnold Schwarzenegger**  
*Governor*

Certified Mail: 7003 1680 0000 6174 9170

October 30, 2007

Mr. Marvin Moskowitz, Director  
Inyo County Environmental Health Services  
P.O. Box 427  
Independence, California 93526

Dear Mr. Moskowitz:

The California Environmental Protection Agency (Cal/EPA) and the State Water Resources Control Board (SWRCB) conducted a program evaluation of Inyo County Environmental Health Services' Certified Unified Program Agency (CUPA) on October 3 and 4, 2007. The evaluation was comprised of an in-office program review and a field oversight inspection. The State evaluators completed a Certified Unified Program Agency Evaluation Summary of Findings with your agency's program management staff, which includes identified deficiencies, with preliminary corrective actions and timeframes, program observations and recommendations, and examples of outstanding program implementation.

The enclosed Evaluation Summary of Findings is now considered final and based upon review, I find that Inyo County Environmental Health Services' CUPA program performance is satisfactory with some improvement needed. To complete the evaluation process, please submit Deficiency Progress Reports to Cal/EPA that depict your agencies progress towards correcting the identified deficiencies. Please submit your Deficiency Progress Reports to JoAnn Jaschke every 90 days after the evaluation date. The first deficiency progress report is due on January 2, 2007.

Cal/EPA also noted during this evaluation that Inyo County Environmental Health Services' CUPA has worked to bring about a number of local program innovations, including: working well with the Agriculture Commissioner's Office to regulate agriculture handlers and maintaining an excellent record when it comes to submitting Report 6 to the SWRCB. We will be sharing these innovations with the larger CUPA community through the Cal/EPA Unified Program web site to help foster a sharing of such ideas statewide.

Mr. Marvin Moskowitz  
October 30, 2007  
Page 2

Thank you for your continued commitment to the protection of public health and the environment through the implementation of your local Unified Program. If you have any questions or need further assistance, you may contact your evaluation team leader or Jim Bohon, Manager, Cal/EPA Unified Program at (916) 327-5097 or by email at [jbohon@calepa.ca.gov](mailto:jbohon@calepa.ca.gov).

Sincerely,

[Original signed by Don Johnson]

Don Johnson  
Assistant Secretary  
California Environmental Protection Agency

Enclosure

cc: Mr. Mark Long, (Sent Via Email)  
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Mr. Sean Farrow, [SWRCB Evaluator] (Sent Via Email)  
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Mr. Ben Ho (Sent Via Email)  
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Mr. Marvin Moskowitz  
October 30, 2007  
Page 3

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## **CERTIFIED UNIFIED PROGRAM AGENCY EVALUATION SUMMARY OF FINDINGS**

**CUPA:** Inyo County Environmental Health Services

**Evaluation Date:** October 3 and 4, 2007

### **EVALUATION TEAM**

**Cal/EPA:** JoAnn Jaschke

**SWRCB:** Sean Farrow

This Evaluation Summary of Findings includes the deficiencies identified during the evaluation, program observations and recommendations, and examples of outstanding program implementation activities. The evaluation findings are preliminary and subject to change upon review by state agency and CUPA management. Questions or comments can be directed to JoAnn Jaschke at (916) 323-2204.

	<b><u>Deficiency</u></b>	<b><u>Preliminary Corrective Action</u></b>
1	<p>The CUPA is not citing violations in a manner consistent with the definition of Minor, Class II, and Class I as provided in statute and regulations.</p> <p>Inspection Reports for Jim Allen's Automotive, Inyo County Independence Road Yard, and California Department of Fish and Game - Mount Whitney Fish Hatchery indicated in the area for notes that the facilities need to label waste oil containers with accumulation start dates. The inspection reports should have cited these items as Class II violations.</p> <p>HSC, Section 25110.8.5 and 25117.6 Title 27, CCR, Section 15200(f)(2)(C) (Cal/EPA)</p>	<p>On October 4, 2007, Cal/EPA provided the CUPA with a copy of the <i>Violation Classification Guidance for Unified Program Agencies</i> to assist the CUPA in properly classifying violations.</p> <p>Immediately, the CUPA shall begin properly classifying violations.</p> <p>By April 4, 2008, submit Cal/EPA copies of three inspection reports properly citing violations.</p>

Certified Unified Program Agency (CUPA)  
Evaluation Summary of Findings

<b>2</b>	<p>The CUPA did not meet the mandated inspection frequency for underground storage tank (UST) facility compliance in FY 04/05 and FY 05/06. In FY 04/05, the CUPA inspected 75% of their regulated UST facilities. In FY 05/06, the CUPA inspected 62% of their regulated UST facilities.</p> <p>In FY 06/07, the CUPA significantly increased their inspection frequency to 96%.</p> <p>HSC, Section 25288(a) (SWRCB)</p>	<p>Cal/EPA and SWRCB consider this deficiency corrected since the CUPA inspected 25 out of 26 facilities in FY 06/07.</p> <p>Continue to submit annual summary reports showing that the CUPA is maintaining the mandated inspection frequency for UST facilities.</p>
<b>3</b>	<p>The CUPA is not ensuring that all UST facilities have current financial responsibility forms. Two of the six facility files reviewed did not have up to date financial responsibility forms.</p> <p>40 CFR, Part 280, Subpart H (SWRCB)</p>	<p>CUPA is in the process of correcting this deficiency.</p> <p>By July 1, 2008, the CUPA will ensure all UST facilities have current financial responsibility forms.</p>

**CUPA Representative**

\_\_\_\_\_  
Mark Long  
(Print Name)

\_\_\_\_\_  
Original signed  
(Signature)

**Evaluation Team Leader**

\_\_\_\_\_  
JoAnn Jaschke  
(Print Name)

\_\_\_\_\_  
Original signed  
(Signature)

Certified Unified Program Agency (CUPA)  
Evaluation Summary of Findings

**PROGRAM OBSERVATIONS AND RECOMMENDATIONS**

*The observations and recommendations provided in this section address activities the CUPA are implementing and/or may include areas for continuous improvement not specifically required of the CUPA by regulation or statute.*

1. **Observation:** Inspection reports are not always completely filled out. The owner/operator's name, EPA ID number, and consent to inspect granted by areas were left blank on several of the inspection reports reviewed.

**Recommendation:** The CUPA should ensure the inspection reports are complete.

2. **Observation:** The CUPA's files were not organized or kept in chronological order. Additionally, several items were misfiled within the various filer folders of a facility file.

**Recommendation:** Consider using a multi-section file folder to enhance organization, retrieval, and review of documents.

3. **Observation:** The CUPA maintains an excellent collect rate for the fees submitted by the regulated facilities with exception of the California Department of Transportation (Caltrans).

4. **Observation:** The inspection checklist for Inyo County is not detailed enough to provide an accurate compliance picture.

**Recommendation:** The SWRCB strongly encourages the agency to develop a thorough UST facility inspection checklist with citations. The inspection checklist should include (tank, piping, sump, under-dispenser, overfill spill bucket, overfill prevention systems, audible/visual alarm, leak detection monitoring sensors, leak detection control panel, cathodic protection, alarm history, tri-annual secondary containment testing, designated operator, employ training, record keeping, etc.) that an inspector needs to verify to determine compliance. A detailed inspection checklist will aid the agency inspector in completing thorough and consistent facility inspection.

5. **Observation:** Files reviewed showed that one or more of the following items were missing: the monitoring and response plans, annual monitoring certifications and testing reports, installation records and construction inspection reports, upgrade records, designated operator designation, certificate of compliance, and inspection reports.

**Recommendation:** Ensure that files are complete prior to conducting facility inspection. If a facility has the missing paperwork, have them fax or copy the material so that your files match their files.

6. **Observation:** Files reviewed showed that many UST facilities have not updated the UST-Facility and UST-Tanks Forms since the forms have been revised to include additional reporting requirements; therefore, the forms submitted prior to 1999 may not be complete.

Certified Unified Program Agency (CUPA)  
Evaluation Summary of Findings

**Recommendation:** Provide updated Unified Program Consolidate Form (UPCF), (UST forms) to owners to obtain updated information.

7. **Observation:** The operating permit is missing the state UST identification number(s) and monitoring requirements.

**Recommendation:** Ensure that the monitoring plan and UPCF UST forms showing the assigned tanks numbers (assigned by either facility owner or CUPA) are onsite at the facility.

8. **Observation:** The CUPA conducted a very thorough UST facility inspection. The CUPA directed the service technician to check the drop tubes at the end of the facility inspection because he had forgotten to do so during the monitoring certification process. Once checked, it was determined that the facility was using ball floats therefore, the service technician had to pull the ATG's for all four tanks, ensuring that the overfill protection measures were operating properly.

### **EXAMPLES OF OUTSTANDING PROGRAM IMPLEMENTATION**

1. The CUPA is doing a good job with regulating agriculture handlers. The CUPA sent a letter to agriculture handlers within Inyo County indicating that farms are subject to regulations under the CUPA program. The letter explained the requirements and requested farms that meet the specified hazardous materials quantities to submit information to the Agriculture Commissioner. The CUPA worked out an arrangement for the Agriculture Commissioner to regulate the farms.
2. The CUPA has an excellent record when it comes to the reporting of Report 6. Since the first report, due in 2003, the CUPA has submitted every Report 6 (quarterly report).
3. The CUPA maintains great communication with its regulated business community and is service-oriented.